

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

12 VAC 5-481 – Virginia Radiation Protection Regulations
Department of Health
Town Hall Action/Stage: 4437/7330
February 11, 2016

Summary of the Proposed Amendments to Regulation

The State Health Commissioner proposes to amend the Virginia Radiation Protection Regulations to 1) add new definitions, amend existing definitions and update other sections of this regulation so that it accurately reflects current practice for therapeutic radiation machines¹ and 2) update the regulation so that it conforms to the current *Virginia Register Form, Style and Procedure Manual*.

Result of Analysis

Benefits likely outweigh costs for all proposed regulatory changes.

Estimated Economic Impact

The Commissioner proposes to add eleven new definitions and amend a further five to account for new therapeutic radiation machine techniques and procedures. For instance, the Commissioner proposes to add a definition for “radiation therapy systems” and amend the definition of “therapeutic radiation machine.” The Commissioner also proposes to add language to the regulatory text to clarify current procedures and requirements for the regulated community. Some of these changes will, for instance, replace general language that requires

¹ Therapeutic radiation machines, as defined currently in this regulation, are x-ray or electron producing equipment designed and used for external beam radiation therapy. The Commissioner is amending this definition to include devices that administer electronic brachytherapy.

facilities that own machines covered by this regulation to have a quality management program with specific language that lays out exactly what is currently required of such a program.

All of these amendments, as well as the amendments that bring regulatory language into conformity with the state's regulatory style manual, are clarifying rather than substantive. No affected entity is likely to incur costs on account of any of these changes. To the extent that this regulation was out of date and out of sync with current radiation machine practices and terminology, these changes will benefit readers who will likely find the regulation easier to understand and comply with.

Businesses and Entities Affected

Virginia Department of Health staff reports that this x-ray program currently registers approximately 21,464 x-ray machines. Of these 21,464, approximately 90 are therapeutic radiation machines. Staff further reports that approximately 1,500 registrants meet the criteria for small business.

Localities Particularly Affected

No locality will be particularly affected by this regulatory change.

Projected Impact on Employment

These regulatory changes are unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and

(ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Alternative Method that Minimizes Adverse Impact

Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Adverse Impacts:

Businesses:

Businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of this proposed regulatory change.

Other Entities:

No entities are likely to incur any costs on account of these regulatory changes.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for

preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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